



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,643	01/12/2000	LUNDY LEWIS	APB-01RCE	5926
959	7590	05/19/2004		EXAMINER
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109				NGUYEN, CHAU T
			ART UNIT	PAPER NUMBER
			2176	
				19
			DATE MAILED: 05/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/481,643	LEWIS ET AL.
	Examiner Chau Nguyen	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 46-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 46-77 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. The response, received on 03/03/2004, has been entered. Claims 46-77 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 46-77 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Lewis et al., U.S. Patent No. 6,131,112. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the claimed invention is the similar as the context of the cited claims of the U.S. Patent No. 6,131,112, i.e., claims 1 and 3 of U.S. Patent No. 6,131,112 and claims 46-47 of Application No. 09/481,643.

The Lewis et al. reference discloses a method for sharing information between a first management system and a second management system including receiving an event message by the first management system, determining whether the event whether the event message relates to an entity that is managed by the second management system, and when the message relates to an entity that is managed by the second management system, formatting the event message in a format compatible with the second management system. Thus, it would have been obvious to take an action to provide the second management system with the event message in the format compatible with the second management system as taught by Lewis et al. such that "notifying the second management system that an event message is available from the first management system" since Lewis et al. suggest that using data of a management system in combine with data from other management system would provide more effectively perform functionality.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan, U.S. Patent No. 5,764,955, and further in view of Christie et al. (Christie), U.S. Patent No. 6,026,091.

6. As to claims 46, 61, and 73, Doolan discloses a method for sharing information between a first management system and a second management system, comprising the steps of:

- (a) receiving an event message from the first management system (col. 11, lines 14-44: receiving a CMIP message from manager 200 (first management system);
- (b) determining whether the event message relates to an entity that is managed by the second management system (col. 19, lines 43-48: agent 201 maintains a local MIB storage which reflects much of the network element (second management system) and is referenced during filter operations such as a certain static value be checked for a particular attribute);

However, Doolan does not explicitly disclose

- (c) when the event message relates to an entity that is managed by the second management system, formatting the event message in a format compatible with the second management system; and
- (d) taking an action to provide the second management system with the event message in the format compatible with the second management system.

In the similar field of endeavor, Christie discloses in the Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1 &2: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system; a call connection manager 270 (CCM) will identify the VPI/VCI for routing the call over

connection 264 to a second network ATM system (col. 5, line 16 – col. 6, line 4 and col. 6, lines 29-43); VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration (col. 3, lines 31-64); and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations (col. 6, line 60 – col. 7, line 4).

Since Christie discloses a method of operating an ATM gateway system in a telecommunications system, which is similar to the gateway for using legacy telecommunications network of Doolan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Christie and Doolan to include VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations. Christie suggests that using ATM gateway to handle the dynamic allocation of VPI/VCI connection assignments required to support switched virtual circuits (SVCs).

7. As to claims 47 and 62 Doolan and Christie disclose a step (e) of sending the event message, in the format compatible with the second management system, to the second management system (Christie, col. 6, line 60 – col. 7, line 4: connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations).

8. As to claims 48, 63, and 74, Doolan and Christie disclose wherein step (d) comprises a step of holding the formatted event message until requested by the second management system (Christie, col. 5, lines 6-15).
9. As to claims 49, 64, and 75, Doolan and Christie disclose wherein step (d) comprises a step of pushing the formatted event message until accepted by the second management system (Christie, col. 12, lines 10-43).
10. As to claims 50, 65, and 76, Doolan and Christie disclose wherein step (d) comprises a step of sending the formatted event message to a component accessible to the first management system and the second management system, the component holds the formatted event message until occurrence of a selected event (Christie, col. 3, lines 31-64: gateway 130 contains ATM Label Converter 203 (a component) holds the formatted VPI/VCI and can transmit the formatted VPI/VCI to first ATM system and the second ATM system).
11. As to claims 51, 66, and 77, Doolan and Christie disclose wherein the component within the first management system comprises a storage device having an area to hold the event message (Christie, Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1, 2, and 3: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system).

12. As to claim 52, Doolan and Christie disclose wherein the selected event comprises a request from the first management system (Christie, col. 6, line 44 – col. 7, line 9).
13. As to claim 53, Doolan and Christie disclose wherein the selected event comprises a repeat occurrence of a selected indicia in the message (Christie, col. 6, line 44 – col. 7, line 9).
14. As to claims 54 and 67, Doolan and Christie disclose a step (e) of maintaining a first set of management information by the first management system (Christie, col. 6, lines 5-14 and Fig. 3).
15. As to claims 55 and 68, Doolan and Christie disclose a step (e) of maintaining a second set of management information by the second management system (Christie, col. 6, lines 5-14 and Fig. 3).
16. As to claims 56 and 69, Doolan and Christie disclose a step (f) of forwarding a selected portion of the first set of management information to the second management system (Christie, col. 4, lines 49 – 64 and col. 5, lines 40-47).
17. As to claims 57 and 70, Doolan and Christie disclose,
(f) maintaining a second set of management information by the second management system (Christie, col. 6, lines 5-14 and Fig. 3); and

(g) providing an analysis based on the first and second sets of management information (Christie, col. 9, line 41 – col. 10, line 23).

18. As to claims 58, 59, and 60, Doolan and Christie disclose a step (f) of one of the two management systems providing an analysis based on the formatted event message to determine a further action (Christie, col. 9, line 41 – col. 10, line 23).

19. As to claim 71, Doolan and Christie disclose wherein the first management system comprises one of a network management system, a system management system and an element management system (Christie, Fig. 3).

20. As to claim 72, wherein the second management system comprises one of a network management system, a system management system and an element management system (Christie, Fig. 3).

Response to Arguments

21. In the remarks, applicants argued in substance that

(A) The Doolan patent does not teach or suggest a method for sharing information between a first management and a second management system.

Art Unit: 2176

As to point (A), Doolan discloses in col. 11, lines 14-44: receiving a CMIP message from manager 200 (first management system and col. 19, lines 43-48: agent 201 maintains a local MIB storage which reflects much of the network element (second management system) and is referenced during filter operations such as a certain static value be checked for a particular attribute.

(B) The Christie patent does not teach or suggest a method for sharing information between a first management system and a second management system as recited in claim 46.

As to point (B), in response to applicant's arguments, the recitation "sharing information between a first management system and a second management system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In this case, Christie discloses in the Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1 &2: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system; a call connection manager 270 (CCM) will identify the VPI/VCI for routing the call over connection 264 to a

second network ATM system (col. 5, line 16 – col. 6, line 4 and col. 6, lines 29-43); VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration (col. 3, lines 31-64); and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations (col. 6, line 60 – col. 7, line 4).

(C) The Doolan reference does not teach or suggest receiving an event message from a first management system and determining whether the event message relates to an entity managed by a second management system.

As to point (C), Doolan discloses (a) receiving an event message from the first management system (col. 11, lines 14-44: receiving a CMIP message from manager 200 (first management system);

(b) determining whether the event message relates to an entity that is managed by the second management system (col. 19, lines 43-48: agent 201 maintains a local MIB storage which reflects much of the network element (second management system) and is referenced during filter operations such as a certain static value be checked for a particular attribute);

(D) The Christie patent does not teach format an event message in a format compatible with a second management system.

As to point (D), Christie discloses in the Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1 &2: ATM gateway system receiving ATM cells containing

Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system; a call connection manager 270 (CCM) will identify the VPI/VCI for routing the call over connection 264 to a second network ATM system (col. 5, line 16 – col. 6, line 4 and col. 6, lines 29-43); VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration (col. 3, lines 31-64); and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations (col. 6, line 60 – col. 7, line 4). Since Christie discloses a method of operating an ATM gateway system in a telecommunications system, which is similar to the gateway for using legacy telecommunications network of Doolan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Christie and Doolan to include VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations. Christie suggests that using ATM gateway to handle the dynamic allocation of VPI/VCI connection assignments required to support switched virtual circuits (SVCs).

(E) Neither the Doolan reference nor the Christie reference, alone or in combination, teach or suggest claim 46.

Art Unit: 2176

As to point (E), Doolan discloses (a) receiving an event message from the first management system (col. 11, lines 14-44: receiving a CMIP message from manager 200 (first management system);

(b) determining whether the event message relates to an entity that is managed by the second management system (col. 19, lines 43-48: agent 201 maintains a local MIB storage which reflects much of the network element (second management system) and is referenced during filter operations such as a certain static value be checked for a particular attribute);

However, Doolan does not explicitly disclose

(c) when the event message relates to an entity that is managed by the second management system, formatting the event message in a format compatible with the second management system; and

(d) taking an action to provide the second management system with the event message in the format compatible with the second management system.

In the similar field of endeavor, Christie discloses in the Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1 &2: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system; a call connection manager 270 (CCM) will identify the VPI/VCI for routing the call over connection 264 to a second network ATM system (col. 5, line 16 – col. 6, line 4 and col. 6, lines 29-43); VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration (col. 3, lines 31-64); and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential

network destinations (col. 6, line 60 – col. 7, line 4). Since Christie discloses a method of operating an ATM gateway system in a telecommunications system, which is similar to the gateway for using legacy telecommunications network of Doolan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Christie and Doolan to include VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations. Christie suggests that using ATM gateway to handle the dynamic allocation of VPI/VCI connection assignments required to support switched virtual circuits (SVCs).

(F) The Doolan patent does not teach or suggest a system providing an interface between a first management and a second management.

As to point (F), Doolan discloses in col. 4, lines 33-47 and col. 11, lines 16-44 that a user interface can also be included that allows a user to enter configuration information about network elements, send messages to the network legacy elements and view alarms; and when a manager (first management) sends a message to a network element (second management), the agent interfacing with the network element will receive the message and take the appropriate actions with the network element.

22. Applicant's arguments filed on 03/03/2004 have been fully considered but they are not persuasive. Please see Response to Arguments and the rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20131

Or Faxed to:

(703) 872-9306, (for **formal communications**; please mark
“EXPEDITE PROCEDURE”).

Or:

(703) 746-7240 (for **informal or draft communications**, please label
“PROPOSED” or “DRAFT”).

Or:

(703) 872-9306 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2176



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER